

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

MAURICE MONTRAE PARKS,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-00298

KATINA HECKARD,

Respondent.

**ORDER**

Pending is Petitioner Maurice Montrae Parks's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Doc. 1], filed March 27, 2023, and Respondent Katina Heckard's "Motion to Dismiss" [Doc. 16], filed May 13, 2024. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on May 29, 2024. Magistrate Judge Aboulhosn recommended that the Court grant the Respondent's "Motion to Dismiss" and remove this matter from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also* *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's

findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on June 17, 2024. No objections were filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R [Doc. 19], **GRANTS** Respondent's "Motion to Dismiss" [Doc. 16], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: July 1, 2024



*Frank W. Volk*  
Frank W. Volk  
United States District Judge

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<sup>1</sup> Per the Bureau of Prison Inmate Locator Mr. Parks was released from custody on January 26, 2024. The Order and Notice directing Mr. Parks to respond to the Respondent's "Motion to Dismiss" was returned as undeliverable on May 31, 2024, as no current address was available following his release from FCI Beckley. Magistrate Judge Aboulhosn's PF&R was filed on May 29, 2024. Mr. Parks is obliged to keep his contact information current.